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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION

This document relates to:

ALL ACTIONS

MDL No. 2843  
Case No. 18-md-02843-VC

**DECLARATION OF DEREK W. LOESER  
AND LESLEY E. WEAVER IN SUPPORT  
OF CONSOLIDATED REPLY IN  
SUPPORT OF PLAINTIFFS' (1) MOTION  
FOR FINAL APPROVAL AND (2)  
MOTION FOR ATTORNEYS' FEES,  
EXPENSES, AND SERVICE AWARDS**

Judge: Hon. Vince Chhabria  
Courtroom: 4, 17th Floor  
Hearing Date: September 7, 2023  
Hearing Time: 1:00 p.m. (via Zoom)

LOESER AND WEAVER DECL. ISO  
CONSOL. REPLY ISO MOTS. FOR FINAL  
APPROVAL AND ATT'YS' FEES,  
EXPENSES, AND SERVICE AWARDS

MDL No. 2843  
CASE NO. 18-MD-02843-VC

I, Derek W. Loeser, and I, Lesley E. Weaver, declare and state as follows:

1. Derek W. Loeser is a partner at the law firm of Keller Rohrback L.L.P. ("Keller Rohrback") and Lesley E. Weaver is a partner at the law firm of Bleichmar Fonti & Auld LLP ("Bleichmar Fonti & Auld"). We are Co-Lead Counsel for Plaintiffs in the above-captioned matter. We submit this declaration in support of the Consolidated Reply in Support of Plaintiffs' (1) Motion for Final Approval and (2) Motion for Attorneys' Fees, Expenses, and Service Awards (the "Reply").

2. We have personal knowledge of the information contained herein, and, if either of us is called as a witness, we each could and would testify competently thereto.

**Direct Communications with Counsel About the Settlement**

3. As of July 31, 2023, members of our law firms have directly received approximately 2,500 communications from potential Class Members about the Settlement. The overwhelming majority of the communications have concerned whether someone is a class member, how to file a claim, and questions about other similar information.

4. Under our direction, we or colleagues at our law firms have attempted to respond to all of the individuals who have contacted us, and, as previously reported to the Court, have responded to nearly every inquiry. For all but one of the individuals, we either could not respond because the individual did not provide accurate contact information, or we have attempted to respond. In the case of the latter, we either tried the phone number the individual left and received no answer, or we were unable to leave a message because the voicemail box was full. When we have been unable to leave a message, we have attempted to contact the individual more than once. In addition, Plaintiffs did not respond to one communication from an individual about the Settlement because the communication appeared to present safety concerns.

**Communications About the Settlement Forwarded to Counsel By the Court**

5. The Court has stated that it will transmit all objections it receives to the parties' counsel. Dkt. 1131. As of August 3, 2023, Plaintiffs' counsel have received 72 objections

directly from the Court, a number that includes untimely objections submitted after July 26. (These 72 objections were submitted by approximately 64 separate objectors, because several objectors have submitted more than one objection.) All objections that Plaintiffs received from the Court by July 30 have already been filed with the Court as attachments to two Notices of Objections to Class Action Settlement, Dkts. 1144, 1158. The remaining objections that Plaintiffs have received from the Court are attached to another Notice of Objections to Class Action Settlement, which is being filed today. We have redacted any sensitive information from the objections as ordered by the Court. Dkt. 1131.

6. As we noted in our declaration in support of the motion for final approval, several claim forms and other requests for claim-related information have been sent to the Court instead of the Settlement Administrator. As before, we have forwarded each claim form and request for claim-related information we have received from the Court to the Settlement Administrator.

### **Exhibits**

7. Attached hereto as **Exhibit 1** is a true and correct copy of the Supplemental Declaration of Steven Weisbrot of Angeion Group, LLC in Support of Motion for Final Approval of Class Action Settlement, dated August 4, 2023.

8. Attached hereto as **Exhibit 2** is a true and correct copy of an archived version of the webpage [www.facebook.com/policy.php](http://www.facebook.com/policy.php), showing Facebook's Privacy Policy effective November 26, 2008. As indicated by the URL of the archived version, (<https://web.archive.org/web/20091109075502/facebook.com/policy.php>), the November 26, 2008 Privacy Policy was still on Facebook's website as of November 9, 2009. The date on the upper left-hand corner of the document (August 13, 2018) indicates the date that the archived webpage was retrieved from the Internet Archive.

\* \* \*

We declare under penalty of perjury that the foregoing is true and correct and to the best of our knowledge.

Dated: August 4, 2023

By:   
Derek W. Loeser

By:   
Lesley E. Weaver